IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1311 of 1996

Between:

1 Thuregal Shahina Begum D/o. T.Yusuf
Yemmiganur Kurnool Dist
2 Chedde Lakshmi D/o. C.Govindappa
Yemmiganur Kurnool Dist
3 Thatte Raju S/o. T.Ekarmbarappa
Yemmiganur Kurnool Dist
4 Thuregal Makbool Basha S/o. Md.Yusuf
Yemmiganur Kurnool Dist

..... PETITIONERS

AND

1 Asst. Drug Controller, Cuddapah
2 Drug Inspector, Kurnool
3 Director of Drug Control Administration Drug Control Bhavan
Vengal Rao Nagar S.R.Nagar Post,
Hyderabad - 500 038
4 A.P.State Council of Pharmacy
Nampally, 5-8-112, 2nd Floor, Hyderabad, AP
5 Government of A.P., rep.by Secretary
Medical & Health Secretariat,
Hyderabad
6 Government of A.P., rep.by Secretary
Education Dept. Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more in the nature of writ of mandamus declaring that the petitioners herein are entitled for grant of licence to run a medical stores and consequentially direct the respondents 1 to 3 to issue licences to the petitioners to

run there medical stores respectively under the Drugs & Cosmetics Act of 1940 and Rules made thereunder forthwith.

Counsel for the Petitioner: MR.K.MANIK PRABHU

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.1311 OF 1996

ORDER:

This writ petition is filed seeking a writ of mandamus to declare that the petitioners are entitled for grant of license to run medical stores and consequently direct the respondents 1 to 3 to issue license to the petitioners to run the medical stores under the Drugs and Cosmetics Act,1940 and the Rules made thereunder.

It is the case of the petitioners that they are qualified in S.S.C.Vocational course and they have also studied the subjects which are equivalent to that of Diploma in Pharmacy course and as such they are entitled for grant of licence based on their qualification.

Respondents 3 and 4 have filed counter affidavit stating that all the petitioners have passed only S.S.C., and they are not eligible for registration as Pharmacists and also for grant of licence to run medical stores. It is stated that as per the provisions of the Pharmacy Act,1948, for registration as Pharmacist, the minimum qualification is either pass in Diploma or Degree in Pharmacy. It is also stated that the petitioners do not possess such qualification. Further it is also stated that as per the Drugs and Cosmetics Rules, 1945 services of registered Pharmacists are not required to run a Drug Store (Licences in Form-20A and 21A) but it is mandatory to have the services of a registered pharmacist to run a chemist and druggist shop.

It is submitted by Sri K.Manik Prabhu, the learned counsel appearing for the petitioners that though they are not having qualifications of either Diploma or Degree in Pharmacy, but in S.S.C.vocational course they have studied the subjects which are taught in the Diploma in Pharmacy course and in that view of the matter, he seeks direction to the respondents to consider their claim that S.S.C.vocational

course is also equivalent to that of course in Diploma in Pharmacy.

Admittedly the petitioners do not possess the required qualification i.e., either Diploma or Degree in Pharmacy. Further it is also to be noted that they have also not given the particulars to avail the services of registered pharmacist. In the absence of the same they are not entitled to have license.

As far as the contention of the learned counsel for the petitioners that the respondents should consider the S.S.C.vocational course as equivalent to Diploma in Pharmacy is concerned, it is for the academic bodies to consider the same. Whether a particular course is equivalent to other courses or not is a matter which is purely within the purview of the academic bodies and for experts to consider the same. But, there cannot be any direction as prayed for in this writ petition. The writ petition is devoid of merits and is liable to be dismissed.

This writ petition is accordingly dismissed. No order as to costs.

15.12.2004.

mdaa.

Copy to:

1 Asst. Drug Controller, Cuddapah
2 Drug Inspector, Kurnool
3 Director of Drug Control Administration Drug Control Bhavan
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4 A.P.State Council of Pharmacy
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5 Secretary to Government of A.P., Medical & Health Secretariat,

Hyderabad

6 The Secretary to Government of A.P.,
Education Dept. Secretariat, Hyderabad

7. Two C.Cs to G.P.for Medical and Health and Family Welfare, High Court of A.P., Hyderabad (OUT)

8. two C.D.copies.